

EI-991  
WV

August 27, 2004

Victoria Rutson  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K St., N.W., Suite 500  
Washington, DC 20423

**RE: *Mid States Coalition for Progress et al. v. Surface Transportation Bd. et al.*  
*Supplemental EIS for DM&E Expansion Proposal***

Dear Ms. Rutson:

Minnesotans for an Energy-Efficient Economy (ME3), an appellant in the above-referenced matter, has learned that the staff of the Surface Transportation Board's Section of Environmental Analysis (SEA) is prepared to begin the court-ordered Supplemental Environmental Impact Statement (SEIS) for the Dakota, Minnesota & Eastern Corporation (DM&E) Powder River Basin expansion proposal. ME3 respectfully requests the SEA to initiate a scoping process for the SEIS to identify the scope of issues that will be analyzed, as well as the methodologies and assumptions that the SEA plans to use in its analysis.

The Eighth Circuit Court of Appeals ordered SEA to examine the "effects that may occur as a result of the reasonably foreseeable increase in coal consumption" due to the DM&E project, a stated goal of which is to increase the availability and decrease the price of Powder River Basin coal. The environmental and human health impacts of increased coal consumption are many, ranging from greater emissions of carbon dioxide, mercury and particulate matter to power plant water use and hazardous waste disposal.

Though the impacts of increasing the nation's long-term demand for coal are numerous, the tools exist to analyze these impacts under multiple market scenarios. Through a scoping process, the SEA can work with interested parties to define the impacts that will be studied, the models that will be used, and the regulatory and market assumptions that will frame the analysis. An early and open scoping process should ultimately make preparation of the draft and final SEIS more efficient and thorough.

Your response to this request for a scoping process is appreciated.

Sincerely,



Elizabeth Goodpaster  
Attorney for Minnesotans for an Energy-Efficient Economy

celebrating  
**30**  
years